



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/637,800	08/11/2000	DARRYL BLACK	10.0782	8629

22474 7590 07/06/2006

DOUGHERTY CLEMENTS
1901 ROXBOROUGH ROAD
SUITE 300
CHARLOTTE, NC 28211

EXAMINER

HALIM, SAHERA

ART UNIT PAPER NUMBER

2157

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/637,800		BLACK ET AL.	
	Examiner		Art Unit	
	Sahera Halim		2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-848) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to RCE filed on July 27, 2005.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4-5, 8, 10-12, and 14 the following claims have been rejected under 35 U.S.C. 102(e) as being anticipated by Lenz, U.S. Pat. No. 6,029,196 (hereinafter Lenz).

3. Regarding claim 1, Lenz discloses a method of operating a telecommunications system, comprising (abstract): sending a first metadata file from a network device to an external management system (see fig. 8 and col. 4, line 59 – col. 5, lines 16; client 804 sends a list of file version numbers);

generating a first management data file within the network device (see fig. 8 and col. 4, line 59 – col. 5, lines 16; request includes summaries of client privileges for maintaining a permission database on the server 801);

sending the first management data file from the network device to the external management system (See Fig. 8 and col. 4, line 59 – col. 5, lines 16; request includes summaries of client privileges for maintaining a permission database on the server 801 and this information is received by the server from the client); and

processing the first management data file in accordance with the first metadata file in the external management system for managing the network device (see Fig. 8, col. 4, line 59 – col. 5, line 16; sever 801 processes the lists and sends any file updates 803 that are needed to the client).

4. As to claim 4 the method of claim 1, Lenz teaches wherein the first metadata file is a JAVA class file (see col. 2, line 7 -10).

5. Reference to claim 5, Lenz discloses the method of claim 1 wherein sending the first metadata file and first management data file from the network device to the external management system comprises:

sending the first metadata file and first management data file from the network device to an external file transfer system (See Fig. 8 and col. 4, line 59 – col. 5, lines 16).

6. As to claim 8, Renz teaches the method of claim 1, further comprising:

generating a first data summary file corresponding to the first management data file (see fig. 8 and col. 4, line 59 – col. 5, lines 16; request includes summaries of client privileges for maintaining a permission database on the server 801); and sending the first data summary file to the external management system, wherein the first management data file is processed in accordance with both the first data summary file and the first metadata file (See Fig. 8 and col. 4, line 59 – col. 5, lines 16; request includes summaries of client privileges for maintaining a permission database on the server 801 and this information is received by the server from the client).

7. Reference to claims 10, 11 and 12, these claims have similar limitations as to claim 1, except that they are generating a second management data file and processing the second management data file in accordance with the first and second metadata file. Lenz teaches the above limitations (see col. 4, line 59 – col. 5, line 16, the file version numbers and summaries of client privileges change).

8. Reference to claim 14, Lenz fails to disclose the method of claim 1, further comprising:

downloading a modified first metadata file (see col. 4, lines 59 – col. 5, line 16; the file version numbers change in response to requests, thus this limitation is thought inherently) to the network device (see fig. 8 and col. 4, line 59 – col. 5 line 16),

sending the modified first metadata file from the network device to the external management system generating a second management data file within the network device (see fig. 8 and col. 4, line 59 –col. 5 line 16);

sending the second management data file from the network device to the external management system (see fig. 8 and col. 4, line 59 –col. 5 line 16); and

processing the second management data file in accordance with the second metadata file (see fig. 8 and col. 4, line 59 –col. 5 line 16).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-3, 6-7, 9, 15 -17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lenz.

9. Reference to claim 2 and 3, Lenz fails to explicitly teach wherein the first management data file is generated asynchronously and synchronously with respect to the processing of the first management data file. However, generations of data asynchronously and synchronously with respect to processing of data is old and well

know in the art. It would have been obvious for a person having ordinary skill in the art at the time of the invention to generate data asynchronously or synchronously based on the needs and requirements of a specific invention.

4. Reference to claims 6 and 7, Lenz does not explicitly teach wherein the first management data file and metadata file comprises executing a file transfer protocol push. However it would have been obvious for a person having ordinary skill in the art at the time the invention was made to use a file transfer protocol push to minimize bandwidth over the network.

10. Regarding claim 9, Lenz does not teaches the method of claim 8, wherein sending the first data summary file comprises:

executing a file transfer protocol push. However it would have been obvious for a person having ordinary skill in the art at the time the invention was made to use a file transfer protocol push to minimize bandwidth over the network.

11. Regarding claims 15-17, Lenz does not teach the method of claim 1, wherein the external management system comprises a data collector, a network management server and a billing server. However, it would have been obvious for a person having ordinary skill in the art at the time of the invention to have any type of server in order to address the needs of a specific system or operation.

5. Claim 13, rejected under 35 U.S.C. 103(a) as being unpatentable over Lenz as applied to claims 1 and 4 above, and further in view of Chrabaszc. U.S Pat. No. 6,263,387 (hereinafter Chrabaszc).

12. Reference to claim 13, Lenz teaches the method of claim 1, further comprising:
downloading a second metadata file to the network device corresponding to the hardware module (see fig. 8 and col. 4, line 59 –col. 5 line 16);
sending the second metadata file from the network device to the external management system (see fig. 8 and col. 4, line 59 –col. 5 line 16);
generating a second management data file within the network device (col. 8, lines 5 – 51, and col. 34, lines 55 – 61);
sending the second management data file from the network device to the external management system (see fig. 8 and col. 4, line 59 –col. 5 line 16); and
processing the second management data file in accordance with the second metadata file (see fig. 8 and col. 4, line 59 –col. 5 line 16).

However Lenz fails to teach adding a hardware module to the network device. Nonetheless, adding of a hardware module is old and well known in the art as evidenced by Chrabaszc. Chrabaszc teaches adding of a hardware module to a network device (see abstract). Therefore it would have been obvious for a person having ordinary skill in the art at the time of the invention to combine the teachings of

Lenz and Chrabaszcs in order to upgrade the system disclosed by Lenz, thus increasing system functionality (col. 2, line 1 – 5).

1. As per claims 18 – 28, they do not teach or further define over the limitations recited in the rejected claims 1-17. Therefore, claims 18 – 28 are rejected for the similar reasons set forth in claims 1-17, supra.

Response to Arguments

1. Applicant's arguments with respect to the above claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sahera Halim whose telephone number is (571) 272-4003. The examiner can normally be reached on M-F from 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Art Unit: 2157

Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sahera Halim
Patent Examiner
AU : 2157

November 23, 2005


ARIO ETIENNE
PRIMARY EXAMINER